

RANDALL DUNHAM,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	
BOROUGH OF POINT PLEASANT,	:	DECISION
OCEAN COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

SYNOPSIS

The Board certified tenure charges of unbecoming conduct against respondent middle school teacher for allegedly leaving vulgar and obscene messages on an answering machine for two pupils in the school system, M.L. and D.L.

In light of the record and the testimony of witnesses, the ALJ found and concluded that the Board had proven the charge of unbecoming conduct. Respondent admitted making the telephone calls and admitted the content of each call, blaming his behavior on a drug interaction with a small amount of alcohol. The ALJ questioned respondent's veracity as to the quantity of alcohol he consumed on the date of the incident and found that his defenses lacked substance. Citing *In re Sammons* and *Redcay*, the ALJ noted that respondent engaged in inexcusable behavior for a teacher and the incident was sufficiently flagrant to warrant his dismissal from his teaching position. The ALJ ordered his removal from his position as of the date of the final decision in this matter.

The Commissioner concurred with the ALJ that respondent's behavior was sufficiently flagrant to warrant dismissal from his teaching position. Even after considering respondent's lengthy, apparently unblemished record with the Board, along with his proffered defenses, the Commissioner found these factors were greatly outweighed by the seriousness of respondent's admitted conduct. The Commissioner ordered respondent dismissed from his teaching position and transmitted the matter to the State Board of Examiners for action, as that body deems appropriate, against respondent's certificate.

April 17, 2000

OAL DKT. NO. EDU 00748-00
AGENCY DKT. NO. 7-1/00

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The record and notice of withdrawal transmitted to the Commissioner by the Office of Administrative Law pursuant to *N.J.A.C. 1:1-19.2* have been reviewed. The Assistant Commissioner, to whom this responsibility has been delegated pursuant to *N.J.S.A. 18A:4-34c*, approves the withdrawal. Consequently, the matter is no longer deemed to be a contested matter before the Commissioner and is accordingly dismissed.

IT IS SO ORDERED.

ASSISTANT COMMISSIONER OF EDUCATION

Date of Decision: April 17, 2000

Date of Mailing: April 17, 2000